

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Rafael Machuca-Preciado

WARRANT FOR ARRESTCase Number: 18-cr-04505-JAH-1**NOT FOR PUBLIC VIEW**To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

Rafael Machuca-Preciado

Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☐ Complaint ☐ Order of Court ☐ Violation Notice ☒ Probation Violation Petition
☐ Pretrial Violation

charging him or her with (brief description of offense):

See Petition

In violation of Title See Above United States Code, Section(s) _____John Morrill

Name of Issuing Officer

Clerk of the Court

Title of Issuing Officer

s/ M. Fujita

Signature of Deputy

05/06/2022 San Diego, CA

Date and Location

Bail fixed at \$

No Bail

by

The Honorable John A. Houston

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at _____

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Petition for Warrant or Summons for Offender Under Supervision
and Transfer of Jurisdiction

Name of Offender: Rafael Machuca-Preciado (Spanish)

Dkt No.: 18CR04505-001-JAH

Reg. No.: 29863-408

Name of Sentencing Judicial Officer: The Honorable John A. Houston, Senior U.S. District Judge

Original Offense: 8 U.S.C. § 1326(a) and (b), Removed Alien Found in the United States, a Class C felony

Date of Sentence: February 19, 2019

Sentence: One year's and one day's custody; three years' supervised release. (*Special Conditions: If deported, excluded or allowed to voluntarily return to country or origin, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry into the United States; supervision waived upon deportation, exclusion, or voluntary departure.*)

Type of Supervision: Supervised Release

Date Supervision Commenced: November 26, 2019

Asst. U.S. Atty.: Mario Joseph Peia

Defense Counsel: Kenneth McMullan
(Appointed)
(858) 401-0669

Prior Violation History: None.

PETITIONING THE COURT

TO ISSUE A NO-BAIL BENCH WARRANT AND TRANSFER OF JURISDICTION

RECEIVED
U.S. MARSHALS-S/CA
2022 MAY -6 PM 2:11

PROB 12C(D)

Defendant: Rafael MACHUCA-Preciado

May 4, 2022

Docket No.: 18CR04505-001-JAH

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The probation officer believes that the offender has violated the following condition(s) of supervision:

CONDITION(S)

ALLEGATION(S) OF NONCOMPLIANCE

(Mandatory Condition)

Not commit another federal, state, or local crime. *(mvl)*

1. On March 4, 2022, Mr. Machuca-Preciado, a previously deported or removed alien, was found in the United States illegally, the conduct of which is in violation of 8 U.S.C. § 1326, as evidenced by the indictment filed in the United States District Court, Eastern District of Washington, Dkt. No. 22CR00042-001-MKD.
2. On March 4, 2022, Mr. Machuca-Preciado illegally reentered or attempted to reenter the United States, the conduct of which is in violation of 8 U.S.C. § 1325, as evidenced by the indictment filed in the United States District Court, Eastern District of Washington, Dkt. No. 22CR00042-001-MKD.

Grounds for Revocation: As to allegations 1 and 2, I received and reviewed the complaint with probable cause statement and indictment filed in the United States District Court, Eastern District of Washington, Dkt. No. 22CR00042-001-MKD, which confirm the following: On the above date, the offender was arrested by law enforcement officers in Grant County, Washington, and fingerprinted. Immigration and Customs Enforcement (ICE) obtained the Grant County Jail fingerprints, which were positively identified as the same fingerprints as that of Rafael Machuca-Preciado, a citizen of Mexico, who does not possess the proper immigration documents allowing him to enter or remain in the United States legally. Records revealed the offender was deported from the United States on November 27, 2019, at San Ysidro, California.

As indicated in the probable cause statement in support of the complaint, the offender had not applied for nor had received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security, to lawfully enter the United States subsequent to removal.

On April 5, 2022, an indictment was filed in the United States District Court, Eastern District of Washington, Dkt. No. 22CR00042-001-MKD, charging the offender with 8 U.S.C. § 1326, Alien in the United States After Deportation. On April 7, 2022, an order of detention was issued by Magistrate James P. Hutton. A Jury Trial has been set for June 13, 2022.

Additionally, the probation office in the Eastern District of Washington has agreed to accept the transfer of jurisdiction to address the violation conduct in the district where the violation occurred. Our office concurs in order to preserve judicial resources. If the Court is inclined to proceed with the transfer of jurisdiction, the Probation Form 22 is included for signature in Part 1, Order Transferring Jurisdiction.

U.S. Probation Officer Recommendation: If found in violation, that supervised release be revoked and the offender be sentenced to 18 months' custody with no supervised release to follow, consecutive to any sentence he may be serving, pursuant to USSG §7B1.3(f), p.s. (An Expanded Violation Worksheet, 12CW(d), has been attached for the Court's review.)

PROB 12C(D)

Defendant: Rafael MACHUCA-Preciado

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 4, 2022

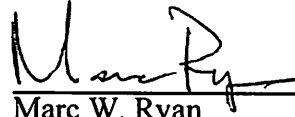
Respectfully submitted:
DANIEL J. KILGORE
CHIEF PROBATION OFFICER

by



Lisa Cabe
U.S. Probation Officer
(619) 557-6530

Reviewed and approved:



Marc W. Ryan
Supervisory U.S. Probation Officer

EXPANDED VIOLATION WORKSHEET

1. **Defendant:** MACHUCA-Preciado, Rafael

2. **Docket No. (Year-Sequence-Defendant No.):** 18CR04505-001-JAH

3. **List Each Violation and Determine the Applicable Grade (See USSG § 7B1.1):**

<u>Violation(s)</u>	<u>Grade</u>
<u>Deported Alien Found in the U.S.</u>	<u>B</u>
<u>Illegal Entry/Attempted Reentry</u>	<u>C</u>
<u> </u>	<u> </u>
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4. **Most Serious Grade of Violation (See USSG § 7B1.1(b))** [B]

5. **Criminal History Category (See USSG § 7B1.4(a))** [IV]

6. **Statutory Maximum Term (Custody) (See 18 U.S.C. § 3583(e)(3))**
 Upon finding of a violation, the court may modify the conditions of supervision; extend the term if less than the maximum authorized term was previously imposed); or revoke the term of supervised release. If the court revokes supervised release, the maximum term of imprisonment upon revocation is: [24 months]

7. **Range of Imprisonment (Custody) (See USSG § 7B1.4(a))**
 A Grade B violation with a Criminal History Category IV establishes an imprisonment range of: [12 to 18 months]

8. **Statutory Maximum Term (Supervised Release) (See 18 U.S.C. § 3583(b))**
 If supervised release is revoked and a term of imprisonment is imposed that is less than the maximum term of imprisonment imposable upon revocation, the court can reimpose supervised release upon release from custody. The length of such a term shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment upon revocation. In this case, the court has the authority to reimpose a term of: [36 months]

9. **Recommendation:** [18 months' custody, consecutive to any other sentence being served. See USSG § 7B1.3(f)- w/ no supervised release to follow]

PROB 12C(D)

Defendant: Rafael MACHUCA-Preciado

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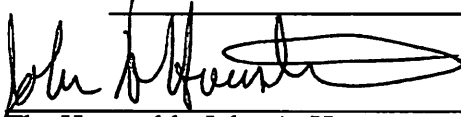
THE COURT ORDERS:

_____ A NO-BAIL BENCH WARRANT BE ISSUED BASED UPON A FINDING OF PROBABLE CAUSE TO BRING THE OFFENDER BEFORE THE COURT TO SHOW CAUSE WHY SUPERVISED RELEASE SHOULD NOT BE REVOKED FOR THE ALLEGED VIOLATIONS, AND UPON APPROVAL OF TRANSFER OF JURISDICTION (PROB 22) FROM THE EASTERN DISTRICT OF WASHINGTON, JURISDICTION TO BE TRANSFERRED. THE PETITION AND THE WARRANT WILL BE SEALED UNTIL THE OFFENDER HAS BEEN ARRESTED ON THE WARRANT AND THEN THE PETITION AND WARRANT MAY BE UNSEALED. NOTWITHSTANDING THE SEALING, A COPY OF THE PETITION AND WARRANT WILL BE GIVEN TO THE U.S. MARSHAL FOR USE BY LAW ENFORCEMENT.

(Currently detained at Spokane County Jail in Spokane, Washington, under booking number 220004576.)

X
_____ A NO-BAIL BENCH WARRANT BE ISSUED BASED UPON A FINDING OF PROBABLE CAUSE TO BRING THE OFFENDER BEFORE THE COURT TO SHOW CAUSE WHY SUPERVISED RELEASE SHOULD NOT BE REVOKED FOR THE ALLEGED VIOLATIONS; JURISDICTION TO REMAIN IN THE SOUTHERN DISTRICT OF CALIFORNIA. THE PETITION AND THE WARRANT WILL BE SEALED UNTIL THE OFFENDER HAS BEEN ARRESTED ON THE WARRANT AND THEN THE PETITION AND WARRANT MAY BE UNSEALED. NOTWITHSTANDING THE SEALING, A COPY OF THE PETITION AND WARRANT WILL BE GIVEN TO THE U.S. MARSHAL FOR USE BY LAW ENFORCEMENT.

Other _____



The Honorable John A. Houston
Senior U.S. District Judge

5/6/2022

Date